

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:16-CV-789-FDW-DCK**

<b>EYETALK365, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>ZMODO TECHNOLOGY CORPORATION</b>	)	
<b>LIMITED,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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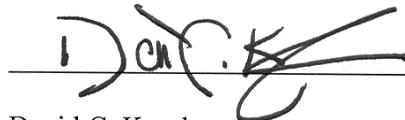
**THIS MATTER IS BEFORE THE COURT** on “Plaintiff Eyetalk365, LLC’s Motion To Compel Compliance With Patent Local Rule 3.4(A)” (Document No. 54) filed August 18, 2017. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, and following consultation with Judge Whitney’s chambers, the undersigned will deny the motion.

The undersigned notes that pursuant to the “Utility Patent Claim Construction Scheduling Order” the parties are required “to attempt in good faith to resolve discovery disputes without the necessity of court intervention;” and if they fail, they shall “schedule and submit to an informal telephonic conference before the referral magistrate judge.” (Document No. 39, p.5). In this instance, the parties have not contacted the undersigned’s chamber to request a telephone conference. As such, the motion will be denied without prejudice. Plaintiff shall again confer with Defendant in attempt to resolve, or at least narrow, the instant dispute.

If the parties are unable to resolve their dispute, they may contact the undersigned’s law clerk to request a telephone conference.

**IT IS, THEREFORE, ORDERED** that “Plaintiff Eyetalk365, LLC’s Motion To Compel Compliance With Patent Local Rule 3.4(A) (Document No. 54) is **DENIED WITHOUT PREJUDICE.**

Signed: August 18, 2017

  
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David C. Keesler  
United States Magistrate Judge  
